

NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

ALBERT SERRANO, Jr.,	:	
	:	Civ. Action No. 17-6264 (RMB)
Plaintiff,	:	
	:	
v.	:	OPINION
	:	
	:	
NEW JERSEY STATE SUPERIOR	:	
COURT JUDGE JOHN T. KELLEY,	:	
	:	
Defendant.	:	
	:	

BUMB, District Judge:

Plaintiff Albert Serrano, Jr., a prisoner incarcerated in Northern State Prison, in Newark, New Jersey, filed this civil rights complaint on August 17, 2017, alleging Judge John T. Kelley violated his 14th Amendment right to due process by denying his petition for post-conviction relief in the New Jersey State Superior Court, Camden County, Criminal Division. (Compl., ECF No. 1.) Plaintiff seeks to proceed without prepayment of fees ("*in forma pauperis*" or "IFP"), pursuant to 28 U.S.C. § 1915(a). (IFP App., ECF No. 1-1.) Plaintiff, however, did not file a properly completed IFP application because he did not submit "a certified copy of the trust fund account statement . . . for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . ,

obtained from the appropriate official of each prison at which the prisoner is or was confined," required by 28 U.S.C. § 1915(a)(2).

Moreover, Plaintiff's complaint is duplicative of the complaint he filed in Civil Action No. 17-5866 (RMB), which this Court has administratively terminated, pending reopening if Plaintiff submits a properly completed IFP application. "'As part of its general power to administer its docket,' a district court may dismiss a duplicative complaint." Fabrics v. City of New Brunswick, 629 F. App'x 196, 198 (3d Cir. 2015) (quoting Colorado River Water Conservation Dist. v. United States, 424 U.S. 800, 817 (1976); Walton v. Eaton Corp., 563 F.2d 66, 70 (3d Cir.1977) (en banc) (prohibiting a plaintiff from "maintain[ing] two separate actions involving the same subject matter at the same time in the same court and against the same defendant"). Therefore, the Court dismisses this action as duplicative of Civil Action No. 17-5866.

An appropriate Order follows.

s/Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge

Dated: September 15, 2017